

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
OF HINDS COUNTY, MISSISSIPPI**

BRANDI C. SHAVERS

PLAINTIFF

VS.

CIVIL ACTION NUMBER

20-440

**RUDOLFO BLUE HUGHES and
J.B. HUNT TRANSPORT, INC.**

DEFENDANTS

SUMMONS

THE STATE OF MISSISSIPPI

**TO: J.B. Hunt Transport, Inc.
c/o CSC of Rankin County, Inc.
Mirror Lake Plaza
2829 Lakeland Drive, Suite 1502
Flowood, Mississippi 39232**

NOTICE TO DEFENDANT

The Complaint and First Set of Interrogatories and Requests for Production of Documents which are attached to this Summons are important, and you must take immediate action to protect your rights.

You are required to mail or hand-deliver a copy of a written response to the Complaint and discovery to counsel of record, Simon & Teeuwissen, PLLC, whose address is 621 East Northside Drive, Jackson, Mississippi 39206. Your response must be mailed or delivered within forty-five (45) days from the date of delivery of this Summons, Complaint, First Set of Interrogatories and Requests for Production of Documents, or a Judgment by Default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

ISSUED UNDER MY HAND AND SEAL OF SAID COURT, this the 16 **day of** July **2020.**



Hinds County Circuit Clerk
407 East Pascagoula Street
Jackson, Mississippi 39206

BY: M. Green, D.C.

EXHIBIT

A

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PREPARED BY:

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**COMPLAINT
(JURY TRIAL REQUESTED)**

COMES NOW Plaintiff, Brandi C. Shavers, by and through the undersigned counsel of record, and, pursuant to Mississippi Rules of Civil Procedure, files this civil action against Defendants Rudolfo Blue Hughes and J.B. Hunt Transport, Inc., and in support of this suit, Plaintiff would show unto this Honorable Court the following:

PARTIES

1. Plaintiff:
 - a. Plaintiff Brandi C. Shavers is an adult resident citizen of the State of Mississippi.
2. Defendant Rudolfo Blue Hughes is an Alabama resident who resides at 1614 Hudson Road, Jasper, Alabama 35503. Defendant Hughes may be served with process at his residence or where he may be found.
3. Defendant J.B. Hunt Transport, Inc. ("Hunt") is a Georgia corporation registered with the Mississippi Secretary of State's office purportedly having its principle place of business at 705 Ruskin Drive, Forest Park, Georgia 30050. J.B. Hunt Transport may be served with process by serving its registered agent, CSC of Rankin County, Inc., at Mirror Lake Plaza, 2829 Lakeland Drive, Suite 1502, Flowood, Mississippi 39232.

JURISDICTION AND VENUE

4. This Court has original jurisdiction over the parties and subject of this action pursuant to Article VI, § 156 of the MISSISSIPPI CONSTITUTION of 1890 since this is

a civil action not vested by the Constitution in some other court.

5. Venue is proper in the Circuit Court of the First Judicial District of Hinds County, Mississippi pursuant to MISS. CODE ANN. § 11-11-3 since the substantial event that caused the injuries, a motor vehicle accident, occurred in or near the City of Jackson, Hinds County, Mississippi, and the amount in controversy exceeds two hundred dollars.

FACTS

6. On the morning of February 4, 2020, Plaintiff Shavers was traveling north on I-55 in Jackson, Hinds County, Mississippi.

7. While Plaintiff Shavers was traveling straight in her lane, Defendant Hughes (driving a white 2015 Freightliner tractor-trailer) swerved into Plaintiff Shaver's lane and sideswiped Plaintiff's 2003 Ford Mustang, causing it to spin out of control.

8. The 2015 Freightliner tractor-trailer operated by Defendant Hughes was at all times pertinent owned by Defendant J.B Hunt Transport, Inc.

9. The force of the collision and resulting impact caused Plaintiff Shavers' injuries to her neck, chest, back and shoulders.

10. Plaintiff Shavers has suffered and continues to suffer from both physical and emotional damages, as well as damages to her vehicle and other losses.

11. Plaintiff Shavers was treated by EMS personnel and subsequently transported to University of Mississippi Medical Center where she was examined and treated.

12. Plaintiff Shavers missed time from work as a result of her injuries and suffered other losses.

COUNT I. - NEGLIGENCE

13. Plaintiff Shavers incorporates and restates by reference herein all

allegations set forth above.

14. Defendant Hughes owed Plaintiff Shavers the following duties:

- a) The duty to keep such lookout as an ordinary and prudent person would keep for his safety and the safety of other persons under the conditions existing immediately before and at the time and place of said collision;
- b) The duty to maintain the proper degree of control over his 18-wheel commercial vehicle at all times and, thus, avoid injuring others or damaging their property;
- c) The duty to use reasonable attentiveness while operating an 18-wheel commercial motor vehicle so as to avoid sideswiping another driver's vehicle;
- d) The duty to refrain from engaging in actions which were negligent under the conditions existing immediately before and at the time and place of said collision; and,
- e) The duty to comply with the Mississippi Rules of the Road, Mississippi statutes and/or applicable regulations.

15. Defendant Hughes, at all times relevant herein, had a duty to operate his 18-wheel commercial vehicle in a safe, reasonable and prudent manner and in accordance with the laws of the State of Mississippi.

16. Defendant Hughes failed to fulfill his duties to use reasonable care and to comply with Mississippi statutory duties, laws and other applicable regulations.

17. As a result and/or proximate cause of the failures of Defendant Hughes to fulfill his duties, Plaintiff Shavers sustained injuries and damages.

COUNT II. – VICARIOUS LIABILITY/NEGLIGENT ENTRUSTMENT

18. Plaintiff Shavers incorporates and restates by reference the allegations set forth above.

19. Upon information and belief, Defendant Hughes was engaged in business on behalf of J.B. Hunt Transport, Inc. as a driver, employee, or agent.

20. Plaintiff Shavers would show that Defendant J.B. Hunt Transport is vicariously liable for the negligent, grossly negligent and/or reckless conduct of the vehicle operator, Defendant Hughes.

21. In addition, Defendant J.B. Hunt Transport, Inc. is liable for negligent hiring, negligent entrustment and/or retention, negligent training, negligent supervision, negligent maintenance/inspection of said vehicle and/or equipment, and negligent loading.

22. As a result and/or proximate cause of the failure of Defendant J.B. Hunt Transport, Inc., to fulfill its duties, Plaintiff Shavers sustained serious and severe damages.

COUNT III. – GROSS NEGLIGENCE

23. Plaintiff Shavers incorporates and restates by reference herein all allegations set forth above.

24. Defendant Hughes acted in a negligent, grossly negligent and/or reckless manner, all without due regard for the safety of Plaintiff Shavers and others using the public road, when Defendant Hughes failed to look before changing lanes and sideswiping Plaintiff Shavers, thus causing the 2015 Freightliner to side swipe Plaintiff Shavers' vehicle.

25. At all relevant times, Plaintiff Shavers lawfully operated her vehicle and did not contribute to the accident in any manner.

26. The proximate cause of Plaintiff Shavers' injuries was the negligence, gross negligence and/or reckless conduct of Defendant Hughes and Defendant J.B. Hunt Transport, Inc.

27. As a direct and proximate cause of the Defendants' conduct, Plaintiff

Shavers sustained injuries and damage.

28. Defendants Hughes and J.B. Hunt Transport, Inc., are liable for the injuries and damages which resulted from their negligence, gross negligence and/or reckless disregard of the safety and well-being of the Plaintiff Shavers.

DAMAGES

29. Plaintiff Shavers incorporates and restates by reference herein all allegations set forth above.

30. As a direct and proximate result of the Defendants' negligent, grossly negligent or reckless acts and/or omissions, Plaintiff Shavers suffered damages, including but not limited to, the following:

- a. Past, present and future physical pain and suffering;
- b. Past, present and future mental anxiety and depression;
- c. Past, present and future medical expenses and healthcare costs;
- d. Compensation for the physical impairment;
- e. Property damage; and
- f. All other damages allowed by the laws of the State of Mississippi.

31. The sole or proximate contributing cause of the aforesaid damages and injuries of Plaintiff Shavers is one or more of the aforementioned violations, breaches, acts and/or omissions of Defendants Hughes and J.B. Hunt Transport, Inc. as stated herein.

32. Because Defendants' actions or inactions constituted willful, reckless or grossly negligent conduct, Plaintiff Shavers are entitled to an award of punitive damages.


WHEREFORE, PREMISES CONSIDERED, Plaintiff Shavers demands a judgment against the Defendants in an amount sufficient to fully compensate them for

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damages incurred as a result of the Defendants' conduct, as well as punitive damages, costs, attorney's fees, interest and any other relief to which they are entitled.

Respectfully submitted this the 16th day of July, 2020.

BRANDI C. SHAVERS

By: 
ANTHONY R. SIMON, MSB No. 10009
PIETER TEEUWISSEN, MSB No. 8777

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